

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ROBIN L. JONES
12813 Rousby Hall Rd
Lusby, MD 20657

Plaintiff,

vs.

WAL-MART STORES, INC.
701 South Walton Boulevard
Bentonville, AR 72716

SERVE ON:

The Corporation Trust Incorporated
351 West Camden Street
Baltimore, MD 21201

And

WAL-MART STORES EAST, LP
702 SW 8th Street
Bentonville, AR 72716

SERVE ON:

The Corporation Trust Incorporated
351 West Camden Street
Baltimore, MD 21201

And

WAL-MART REAL ESTATE BUSINESS TRUST
702 SW 8th Street
Bentonville, AR 72716

SERVE ON:

The Corporation Trust Incorporated
351 West Camden Street
Baltimore, MD 21201

and

Case No.: _____

WAL-MART REALTY COMPANY)
702 SW 8th Street)
Bentonville, AR 72716)
)
SERVE ON:)
The Corporation Trust Incorporated)
351 West Camden Street)
Baltimore, MD 21201)
)
Defendants.)
_____)

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Robin L. Jones, by undersigned counsel, hereby files this Complaint against Wal-Mart Stores, Inc., Wal-Mart Stores East, LP, Wal-Mart Real Estate Business Trust, and Wal-Mart Realty Company, Defendants herein, and alleges as follows:

I. JURISDICTION AND VENUE

1. Plaintiff invokes the jurisdiction of this Court pursuant 28 U.S.C. § 1332.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(a).

3. The amount in controversy herein exceeds the sum of \$75,000.00, exclusive of interest and costs.

II. PARTIES

4. Robin L. Jones ("Jones") is a citizen of the State of Maryland, and resides at 12813 Rousby Hall Road, Lusby, Maryland 20657.

5. Wal-Mart Stores, Inc. ("WM") is an Arkansas corporation with its principal office located at 701 South Walton Boulevard, Bentonville, Arkansas 72716. Upon information and belief, Wal-Mart Stores, Inc. owns and operates stores throughout Maryland, one of which is located at 45485 Miramar Way, California, Maryland 20619. According to Maryland SDAT filings, an entity known as "Wal-Mart Stores, Inc. #1981" is listed as the owner of property known as 45485 Miramar Way. However, no corporate entity known as "Wal-Mart Stores, Inc. #1981" is on file with the Maryland SDAT. Therefore, it is Plaintiff's understanding that "Wal-Mart Stores, Inc. #1981" is a trade name or alter ego of the entity known as Wal-Mart Stores, Inc.

6. Wal-Mart Stores East, LP ("WMSE") is an Arkansas corporation with its principal office located at 702 SW 8th Street, Bentonville, Arkansas 72716. Wal-Mart Stores East, LP is listed as an active Wal-Mart entity doing business in the State of Maryland. Because there is no SDAT filing for the entity known as "Wal-Mart Stores, Inc. #1981," Plaintiff pleads in the alternative that Wal-Mart Stores East, LP, either individually or in conjunction with the

other named co-defendants, owns and/or operates the Wal-Mart store located at 45485 Miramar Way, California, Maryland 20619.

7. Wal-Mart Real Estate Business Trust ("WMREBT") is an Arkansas corporation with its principal office located at 702 SW 8th Street, Bentonville, Arkansas 72716. Wal-Mart Real Estate Business Trust is listed as an active Wal-Mart entity doing business in the State of Maryland. Because there is no SDAT filing for the entity known as "Wal-Mart Stores, Inc. #1981," Plaintiff pleads in the alternative that Wal-Mart Real Estate Business Trust, either individually or in conjunction with the other named co-defendants, owns and/or operates the Wal-Mart store located at 45485 Miramar Way, California, Maryland 20619.

8. Wal-Mart Realty Company ("WMRC") is an Arkansas corporation with its principal office located at 702 SW 8th Street, Bentonville, Arkansas 72716. Wal-Mart Realty Company is listed as an active Wal-Mart entity doing business in the State of Maryland. Because there is no SDAT filing for the entity known as "Wal-Mart Stores, Inc. #1981," Plaintiff pleads in the alternative that Wal-Mart Realty Company, either individually or in conjunction with the other named co-defendants, owns and/or operates the Wal-Mart store located at 45485 Miramar Way, California, Maryland 20619.

9. Plaintiff will refer to all defendants, Wal-Mart Stores, Inc., Wal-Mart Stores East, LP, Wal-Mart Real Estate Business Trust and Wal-Mart Realty Company, collectively as "Wal-Mart."

III. FACTS

10. On or about May 4, 2009, Jones was exiting the Wal-Mart store located at 45485 Miramar Way, California, Maryland 20619.

11. At approximately 6:30 p.m., Jones was exiting the Wal-Mart store when an upright post, adjacent to the entrance, approximately three to four feet high, tipped over and fell into her, causing her to plunge forward. Jones prevented herself from falling to the ground by grabbing her husband's belt loop. Jones' fall caused her to sustain profound and painful injuries to her back and right knee. As a result of the injuries sustained, Jones was forced to incur substantial medical bills and lost wages. As of the date of the filing of this Complaint, Jones is still experiencing periodic pain and discomfort as result of the injuries she sustained on May 4, 2009 and may be in need of future medical care.

12. At all times prior to her fall, Jones maintained a proper and vigilant outlook as she exited the Wal-Mart store and her actions in no way contributed to her fall. To the contrary, Jones' injuries were solely the result of the unreasonable acts and omissions of Defendants.

13. Prior to this accident, Defendants knew or should have known that the post, which was not properly and safely attached to the ground, could fall over and cause injury to customers and others lawfully present where Jones was injured. Notwithstanding said knowledge and notice, Defendants failed to take reasonable actions to prevent and/or cure the hazardous conditions which it knew or should have known could result in injuries to its customers. Additionally, Defendants failed to provide any sort of meaningful warning to Jones, or others on the premises, of a loose post on the premises of the store.

Count I - Negligence Against Wal-Mart Stores, Inc.

14. Plaintiff hereby incorporates by reference the allegations contained in paragraphs 1-13.

15. WM, at all times material to this Complaint, was in exclusive, possession, custody and control of the Wal-Mart store located at 45485 Miramar Way, California, Maryland 20619. As such, WM owed a duty to Jones, and all patrons who were lawfully on the premises, to provide safe pathways, both inside and outside the store, free of defects which could cause injury. WM also had a duty to warn Jones, and all other patrons lawfully entering onto the property, of any defects, dangers or other hazardous conditions which existed on the property.

16. On or about May 4, 2009, WM breached the duties of care it owed to Jones by (1) failing to take reasonable actions to ensure that the walkways in and outside of the store were free from defects which could result in injuries, and (2) failing to warn Jones, and other patrons lawfully on the premises, of the aforementioned dangerous conditions of which it knew or should have known existed as of the time of Jones' accident.

17. As a result of WM's breaches of the duties of care owed to Jones, Jones sustained substantial damages.

WHEREFORE, Plaintiff, Robin L. Jones, prays that the Court enter judgment in her favor and against Defendant, Wal-Mart Stores, Inc., for compensatory damages in the amount \$500,000.00, with the exact amount to be determined at trial, plus pre-judgment interest, Attorneys' fees, costs, and such other and further relief as justice may require.

Count II - Negligence Against Wal-Mart Stores East, LP

18. Plaintiff hereby incorporates by reference the allegations contained in paragraphs 1-17.

19. WMSE, at all times material to this Complaint, was in exclusive, possession, custody and control of the Wal-Mart store located at 45485 Miramar Way, California, Maryland 20619. As such, WMSE owed a duty to Jones, and all patrons who were lawfully on the premises, to provide safe pathways, both inside and outside the

store, free of defects which could cause injury. WMSE also had a duty to warn Jones, and all other patrons lawfully entering onto the property, of any defects, dangers or other hazardous conditions which existed on the property.

20. On or about May 4, 2009, WMSE breached the duties of care it owed to Jones by (1) failing to take reasonable actions to ensure that the walkways in and outside of the store were free from defects which could result in injuries, and (2) failing to warn Jones, and other patrons lawfully on the premises, of the aforementioned dangerous conditions of which it knew or should have known existed as of the time of Jones' accident.

21. As a result of WMSE's breaches of the duties of care owed to Jones, Jones sustained substantial damages.

WHEREFORE, Plaintiff, Robin L. Jones, prays that the Court enter judgment in her favor and against Defendant, Wal-Mart Stores East, LP, for compensatory damages in the amount \$500,000.00, with the exact amount to be determined at trial, plus pre-judgment interest, Attorneys' fees, costs, and such other and further relief as justice may require.

Count III - Negligence Against Wal-Mart Real Estate Business Trust

22. Plaintiff hereby incorporates by reference the allegations contained in paragraphs 1-21.

23. WMREBT, at all times material to this Complaint, was in exclusive, possession, custody and control of the Wal-Mart store located at 45485 Miramar Way, California, Maryland 20619. As such, WMREBT owed a duty to Jones, and all patrons who were lawfully on the premises, to provide safe pathways, both inside and outside the store, free of defects which could cause injury. WMREBT also had a duty to warn Jones, and all other patrons lawfully entering onto the property, of any defects, dangers or other hazardous conditions which existed on the property.

24. On or about May 4, 2009, WMREBT breached the duties of care it owed to Jones by (1) failing to take reasonable actions to ensure that the walkways in and outside of the store were free from defects which could result in injuries, and (2) failing to warn Jones, and other patrons lawfully on the premises, of the aforementioned dangerous conditions of which it knew or should have known existed as of the time of Jones' accident.

25. As a result of WMREBT's breaches of the duties of care owed to Jones, Jones sustained substantial damages.

WHEREFORE, Plaintiff, Robin L. Jones, prays that the Court enter judgment in her favor and against Defendant, Wal-Mart Real Estate Business Trust, for compensatory damages in the amount \$500,000.00, with the exact amount to be determined at trial, plus pre-judgment

interest, Attorneys' fees, costs, and such other and further relief as justice may require.

Count IV - Wal-Mart Realty Company

26. Plaintiff hereby incorporates by reference the allegations contained in paragraphs 1-25.

27. WMRC, at all times material to this Complaint, was in exclusive, possession, custody and control of the Wal-Mart store located at 45485 Miramar Way, California, Maryland 20619. As such, WMRC owed a duty to Jones, and all patrons who were lawfully on the premises, to provide safe pathways, both inside and outside the store, free of defects which could cause injury. WMRC also had a duty to warn Jones, and all other patrons lawfully entering onto the property, of any defects, dangers or other hazardous conditions which existed on the property.

28. On or about May 4, 2009, WMRC breached the duties of care it owed to Jones by (1) failing to take reasonable actions to ensure that the walkways in and outside of the store were free from defects which could result in injuries, and (2) failing to warn Jones, and other patrons lawfully on the premises, of the aforementioned dangerous conditions of which it knew or should have known existed as of the time of Jones' accident.

29. As a result of WMRC's breaches of the duties of care owed to Jones, Jones sustained substantial damages.

WHEREFORE, Plaintiff, Robin L. Jones, prays that the Court enter judgment in her favor and against Defendant, Wal-Mart Realty Company, for compensatory damages in the amount \$500,000.00, with the exact amount to be determined at trial, plus pre-judgment interest, Attorneys' fees, costs, and such other and further relief as justice may require.

Respectfully submitted,



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Attorneys for Plaintiff,
Robin L. Jones

JURY TRIAL DEMANDED

Plaintiff hereby demands and request that all claims, actions and causes of action set forth herein be tried before a jury.



Thomas C. Costello